

I. UNIVERSAL HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL.

3. A summons for Universal was issued on July 18, 2008. On July 28, 2008, Plaintiff served the Summons and Complaint on Universal's agent for service of process in the state of Tennessee. Accordingly, this Notice of Removal is filed timely pursuant to 28 U.S.C. § 1446(b). Copies of all pleadings, process, and orders served upon Universal in this action are attached hereto as collective Exhibit A, including the Complaint and Summons. To Universal's knowledge, no further proceedings have been filed in the Chancery Court of Shelby County, Tennessee.

4. The United States District Court for the Western District of Tennessee, Memphis Division, embraces the county in which the state-court action is now pending. This Court is therefore a proper venue for this action pursuant to 28 U.S.C. §§ 123(c)(2) and 1441(a).

5. Universal is the only named defendant in this action. Therefore, Universal need not obtain the consent of any unidentified party to remove this action.

6. No previous application has been made for the relief requested herein.

7. Pursuant to 28 U.S.C. § 1446(d), Universal is filing written notice of this removal with the Clerk of the State Court in which this action is currently pending. Copies of the Notice of Filing of Removal, together with this Notice of Removal, are being served upon Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d).

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT-MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332 and 1441.

8. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interests, and is between citizens of different states.

A. There is Complete Diversity of Citizenship.

9. There is complete diversity of citizenship between Plaintiff and Universal.

10. Plaintiff alleges that it is a corporation organized under the laws of Tennessee with its principal place of business located at 5299 Summer Avenue, Memphis Tennessee. (Complaint ¶ 1). Plaintiff is a citizen of Tennessee for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

11. Universal is, and was at the time Plaintiff commenced this action, a corporation organized under the laws of the State of Kansas with its principal place of business at 7045 College Boulevard, Overland Park, Kansas, and, therefore, is a citizen of Kansas for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

B. The Amount-In-Controversy Requirement is Satisfied.

12. It is apparent that the amount of damages that Plaintiff is seeking and the amount in controversy exceed \$75,000.00. Plaintiff seeks damages from Universal “in an amount not to exceed \$500,000.00,” plus attorneys’ fees and costs. (See, Complaint, Prayer for Relief).

WHEREFORE, Defendant Universal respectfully removes this action, bearing cause number CH-08-1337-2, from the Chancery Court of Shelby County, Tennessee to this Court, pursuant to 28 U.S.C. § 1441, and prays that this Court take jurisdiction over this action and issue all necessary orders and process to remove this action from the Circuit Court of Shelby

County, Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee, Western Division.

Respectfully submitted,

GLANKLER BROWN, PLLC

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via, First Class U.S. Mail, postage prepaid, on this the 26th day of August, 2008:

Attorneys for Plaintiff:

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s/ John I. Houseal, Jr.